

REENTRY MYTH

BUSTER!

A Product of the Federal Interagency Reentry Council

MYTH: The Federal Government's hiring policies prohibit employment of people with criminal records.

FACT: The Federal Government does not have a policy that precludes employment of people with criminal records from all positions.

The Federal Government employs people with criminal records with the requisite knowledge, skills and abilities.

Consistent with Merit System Principles, agencies are required to consider people with criminal records when filling positions if they are the best candidates and can comply with requirements.

Individuals seeking admission to the civil service must undergo an investigation to establish suitability or fitness for employment. The principal issues for agencies as they consider hiring people with criminal records involve making determinations related to:

- An individual's character traits and conduct to determine whether employment would or would not protect the integrity and promote the efficiency of the service.
- Whether employment of the individual in the department or agency is consistent with the interests of national security.
- The nature, seriousness, and circumstances of the individual's criminal activity, and whether there has been rehabilitation or efforts toward rehabilitation.

People with criminal records are eligible to work in the vast majority of federal jobs. For a few positions, they may not be deemed suitable or fit for the job, depending on the crime committed.

- A handful of federal laws, like those prohibiting treason, carry with them a lifetime ban on federal employment.
- Others, like the criminal statute for inciting a riot, prohibit federal employment for a certain number of years.
- Previous criminal conduct could potentially render an individual incompatible with the core duties of the job.
- Previous criminal conduct may also affect an individual's eligibility for a security clearance, depending on the level of clearance being sought and the nature of the conviction.

Excepted (Schedule A) Appointing Authority permits employment of individuals in work-release programs when a local recruiting shortage exists.

- Allows agencies, with OPM approval, to employ inmates of federal and state correctional institutions.
- Appointments limited to one year.

For More Information:

Regarding Federal Regulations, visit: www.gpo.gov/fdsys

For Suitability Determinations Criteria, search under 5 CFR 731.202

For Excepted Service Disqualifying Factors, search under 5 CFR 302.203

Regarding the Bond Amendment, visit:

http://www.dss.mil/about_dss/press_room/2009/bond_amendment.pdf

Regarding Federal Background Investigations, visit:

<http://www.opm.gov/investigate/>

What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: www.nationalreentryresourcecenter.org/reentry-council